

## REMARKS

Claims 1 and 3-44 are pending in the instant application. Claim 2 was previously canceled. Claims 1, 7, 8, 10, 11, 13, 20, 22, 25 and 36 are amended herein. No new matter has been added as a result of the amendments made herein.

### Claim Objection

Claims 7, 8 10 and 11 have been amended in a manner that obviates their rejection under 35 U.S.C. 112. Therefore, the Applicant respectfully requests the withdrawal of the rejection of these Claims.

### 112 Rejection

Claim 22 has been amended in a manner that obviates it's rejection under 35 U.S.C. 112. Therefore, the Applicant respectfully requests the withdrawal of the rejection of this Claim.

### 102 Rejections

Claims 13-18 and 20-24 are rejected under 35 U.S.C. § 103(e) as being obvious over Tindal (U.S. Patent Publication No. 2002/0069275 A1). The Applicants have reviewed the cited reference and respectfully submit that embodiments of the present invention as are set forth in Claims 13-18 and 20-24 are neither anticipated nor rendered obvious by Tindal.

The Examiner is respectfully directed to independent Claim 13 which sets forth that an embodiment of the present invention includes a system for auditing an optical network, comprising:

...two or more computer systems; an optical network  
coupled to said computer systems, said network

communicatively coupled with said computer systems, said optical network comprising an optical medium and optical devices for providing a communication link between said computer systems; and, a device coupled to said optical network that is capable of transmitting queries in said optical network to said optical devices, wherein first and second queries are transmitted to at least one of said optical devices with the second query being based on said response to said first query and wherein an audit report of said response based on network configuration information is produced.

Independent Claim 20 recites limitations similar to those found in Claim 13. Claims 14-18 depend from Claim 13, and Claims 21-24 depend from Claim 20. These Claims recite further features of the Claimed invention.

Tindal does not anticipate or render obvious a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, and “wherein an audit report of said response based on network configuration information is produced.” Tindal only shows a global GUI interface for network operating systems. Nowhere in the Tindal reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, “wherein an audit report of said response based on network configuration information is produced” taught or suggested as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Tindal does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 13 and 20.

Accordingly, the Applicant also respectfully submits that Tindal does not anticipate or render obvious the present claimed invention as is recited in Claims 14-18 and Claims 21-24 which depend from allowable base Claims 13 and 20 respectively.

### 103 Rejections

Claims 1-12, 19, 22, 25-35 and 36-44 are rejected under 35 U.S.C. § 103(a) as being obvious over Tindal (U.S. Patent Publication No. 2002/0069275 A1) in view of Chuter et al. (U.S. Patent No. 5,367,394 A). The Applicants have reviewed the cited references and respectfully submit that embodiments of the present invention as are set forth in Claims 1-12, 19, 22, 25-35 and 36-44 are neither anticipated nor rendered obvious by Tindal in view of Chuter et al.

The Examiner is respectfully directed to independent Claim 13 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising:

... transmitting a query to a hardware device in said optical network; receiving a response to said query; analyzing said response to said query; producing an audit report of said response and said analysis wherein said audit report is based on network configuration information; and transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.

Independent Claims 13 and 20 recite limitations similar to those found in Claim 1. Claims 3-11 depend from Claim 1, Claim 19 depends from Claim 13 and Claims 22, 25-35 and 36-44 depend from Claim 20 and recite further features of the Claimed invention.

Tindal does not anticipate or render obvious a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, and “wherein an audit report of said response based on network configuration information is produced.” Tindal only shows a global GUI interface for network operating systems. Nowhere in the Tindal reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, “wherein an audit report of said response based on network configuration information is produced” taught or suggested as is recited in Claim 1 (Claims 13 and 20 contain similar limitations). Consequently, Tindal does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Chuter et al. does not remedy the deficiencies of Tindal noted above. Chuter et al. does not anticipate or render obvious a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query “wherein an audit report of said response based on network configuration information is produced.” as is recited in Claim 1 (Claims 13 and 20 contain similar limitations). Chuter et al. only shows a transmitter and receiver network. Nowhere in the Chuter et al. reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, “wherein an audit report of said response based on network configuration information is produced” taught or suggested as is recited in Claim 1

(Claims 13 and 20 contain similar limitations. Consequently, Tindal and Chuter et al., either alone or in combination do not anticipate or render obvious the embodiment of the Applicant's invention as set forth in Claims 1, 13 and 20.

Accordingly, the Applicant also respectfully submits that Tindal does not anticipate or render obvious the present claimed invention as is recited in Claims 3-12, 19, and 22, 25-35 and 36-44 which depend from allowable base Claims 1, 13 and 20 respectively.

Conclusion

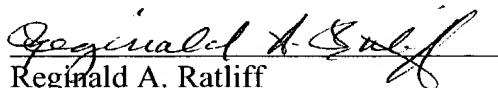
In light of the above-listed remarks, the Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact the Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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